

OCT 05 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In rePatent Application of

Alessandro MATTIOLI

Examiner: Tajash D. Patel

Appl. No. 10/527,194

Filed: August 11, 2004

Group Art Unit: 3765

For: NECKTIE WITH THREE OR MORE PARTS IN SIGHT AND KNOT WITH TWO OR MORE FABRIC FILMS

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR § 1.181 (a)**

COMMISSIONER FOR PATENTS

P.O.Box 1450

Alexandria, VA 22313-1450

**URGENT**  
**PETITION**

Sir:

Pursuant to C.F.R. § 1.181(a), Applicant hereby petitions to withdraw Notice of Abandonment dated 08/18/2009.

**FACTS**

- 1) Due to personal reasons and problems with my attorneys/agents, I was not able to respond quickly to your Notice of Non-Compliant Amendment dated 04/28/2009
- 2) Last month of September, I received from your Office the Notice of Abandonment dated 08/18/2009, by postal service
- 3) Although I wanted reply before to the Notice of Non-Compliant dated 04/28/2009 I have always thought in *bona fide* that I could still reply within the six-month statutory time period (CFR § 1.134), i.e. October 28, 2009 in my case, paying the required fees and submitting the relating Petition, although, as I said, I wanted to have already answered to the Notice of Non-Compliant dated 04/28/2009 (Non-Final Office Action)

- 1 -

Application No. 10/527,194 – Art Unit 3765  
October 5, 2009 – Petition to Withdraw Notice of Abandonment

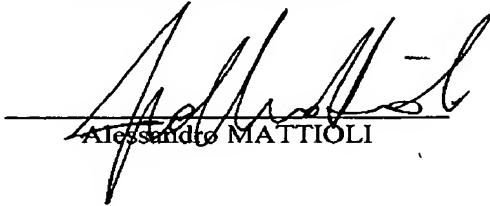
**RELIEF REQUESTED**

I, the Applicant, respectfully request the withdrawal of the the Notice of Abandonment under 37 CFR 1.181 for the reasons set forth above.

Please make a decision urgently so I will be able to submit a Petition to Revive the Abandoned Application, if necessary.

No fee should be required for this petition filed under 37 CFR 1.181

Respectfully submitted,



Alessandro MATTIOLI

Encl.: 1) Notice of Non-Compliant Amendment dated 04/28/2009  
2) Notice of Abandonment dated 08/18/2009

Dated: October 5, 2009

*Alessandro Mattioli*  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,194	08/11/2004	Alessandro Mattioli	4017-64	5845

23117 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203	7550 04/28/2009	EXAMINER PATEL, TAJASH D
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ART UNIT 3755	PAPER NUMBER
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MAIL DATE 04/28/2009	DELIVERY MODE PAPER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

P10L-90A (Rev. 04/07)

OCT 05 2009

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)	
	10/527,194	MATTIOLI, ALESSANDRO	
	Examiner	Art Unit	
	Tejash D. Patel	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 09 February 2009 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

☐ A. Amended paragraph(s) do not include markings.

☐ B. New paragraph(s) should not be underlined.

☐ C. Other \_\_\_\_\_.

☐ 2. Abstract:

☐ A. Not presented on a separate sheet. 37 CFR 1.72.

☐ B. Other \_\_\_\_\_.

☐ 3. Amendments to the drawings:

☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).

☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.

☐ C. Other \_\_\_\_\_.

☒ 4. Amendments to the claims:

☐ A. A complete listing of all of the claims is not present.

☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)

☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).

☐ D. The claims of this amendment paper have not been presented in ascending numerical order.

☒ E. Other: See Continuation Sheet.

☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

\_\_\_\_\_

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.

2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

**Extensions of time** are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

	/Tejash Patel/ Primary Examiner Art Unit: 3765
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Continuation Sheet (PTOL-324)

Application No. 10/527,194

Continuation of 4(e) Other: It is unclear on lines 17-18 of claim 1 as to how the three blades are oriented and the recitation "if knotted in another way and all that even if no blade of neckties is made in a reversible fashion" as no positive meaning to limit the structure of the necktie.

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23117	7590	08/18/2009
NIXON & VANDERHYE, PC		
901 NORTH GLEBE ROAD, 11TH FLOOR		
ARLINGTON, VA 22203		

EXAMINER	
PATEL, TAJASH D	

ART UNIT	PAPER NUMBER
3765	

MAIL DATE	DELIVERY MODE
08/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

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<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/527,194	MATTIOLI, ALESSANDRO	
	Examiner	Art Unit	
	Tejash D. Patel	3765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 4/28/09.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Tejash Patel/  
Primary Examiner  
Art Unit: 3765

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20090810